

# ORIGINAL

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10-25-01

SC

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MICHAEL A. SHAFFER.

Plaintiff,

**V.**

SUSAN GRAYBILL AS AN  
INDIVIDUAL AND AS  
ADMINISTRATRIX OF THE ESTATE  
OF DENNIS M. GRAYBILL,  
MINUTEMAN PRESS  
INTERNATIONAL, INC.,  
and ROBERT EMMETT.

**Defendants.**

• • • • •

CIVIL ACTION NO. 01-CV-1065  
Judge Sylvia H. Rambo

**FILED  
HARRISBURG**

JUN 22 2001

MARY E. D'ANDREA, CLERK  
Per                       
DEPUTY CLERK

## MOTION TO DISMISS

Defendants Minuteman Press International, Inc. and Robert Emmett (collectively, "Moving Defendants"), move this Court, pursuant to Fed. R. Civ. P. 12(b)(6) and the Federal Arbitration Act, 9 U.S.C. § 3, to dismiss the civil action filed by plaintiff Michael A. Shaffer ("Plaintiff") in violation of a binding arbitration agreement between the parties. In the alternative, the Court is requested to stay this matter pending the outcome of arbitration between the parties

concerning the same transaction at issue in Plaintiff's Complaint and First Amended Complaint. Also in the alternative, Moving Defendants also move the Court to dismiss Plaintiff's Complaint and First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(3) and 12(b)(6), motion to strike Plaintiff's jury demand, and for an award of their attorney's fees and costs associated with the filing of this Motion. In further support of this Motion, Moving Defendants hereby incorporate by reference their Memorandum of Law and the Exhibits thereto pursuant to Fed. R. Civ. P. 10(c).

**WHEREFORE**, defendants Minuteman Press International, Inc. and Robert Emmett, request that the Court grant their Motion to Dismiss in the form of order attached; dismissing Plaintiff's claims with prejudice; and awarding Minuteman

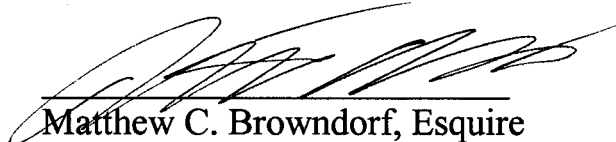
**CERTIFICATE OF SERVICE**

I, Matthew C. Browndorf, Esquire, hereby certify that on this 22nd day of June, 2001, I caused a copy of the foregoing Motion to Dismiss to be served via First Class U.S. Mail, postage prepaid, upon the following counsel of record:

Robert J. White, Esquire  
P.O. Box 3005  
York, PA 17402

and

Marvin Beshore, Esquire  
Milspaw & Beshore  
130 State Street  
P.O. Box 946  
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Matthew C. Browndorf, Esquire